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Attorney General Biden Announces Stronger Child Protection Statutes

Mandatory prison time for distributors of child pornography; Megan's Law loopholes closed

Wilmington, DE – Attorney General Beau Biden today announced that key changes to Delaware's sex offender registry law have been enacted and that the criminal penalties for several serious offenses against children have been increased under two pieces of legislation drafted by the Delaware Department of Justice and signed into law Wednesday by Governor Ruth Ann Minner.

House Substitute 1 for House Bill 421 imposes harsher consequences for the possession and distribution of child pornography and increases the criminal penalties against those convicted of unlawful sexual contact. In addition, the scope of the law has been broadened to account for ways that pornographers use technology to victimize children by including all modes of dealing in illegal images, electronic or otherwise.

"Tougher penalties for those who possess and distribute child pornography reflect the harsh reality that pornographers are predators and must be punished accordingly," stated Attorney General Joseph R. Biden, III. "Delaware needs tough laws to keep kids safe from predators and I commend the Governor and the General Assembly for giving prosecutors the tools they need to get criminals off the streets and away from our children."

The enhanced statutes get tougher on predators by:

- Increasing the penalties for unlawful sexual contact with children
- Toughening the penalties for possessing and distributing child pornography
- Establishing a mandatory prison sentence for distributing child pornography
- Broadening the law to account for all forms of child pornography, including the use of new electronic devices, such as camera phones and iPods

A separate piece of legislation, House Bill 485, changes Delaware's sex offender registry statute to provide additional protections to Delaware's children and communities from sex offenders, who will now find the state a less desirable place to live. The enhanced law now requires offenders who live in Delaware to register in Delaware no matter where they were convicted or if they were convicted before the 1994 enactment of Delaware's Megan's Law. The changes are intended to meet new U.S. Department of Justice guidelines for states following last year's passage of the federal Adam Walsh Child Protection and Safety Act ("Adam Walsh Act"), which aligns sex offender registry standards nationwide.

As amended, Delaware's Megan's Law now requires that the following people register with the Delaware State Police:

- Criminals convicted of a sexual offense in a jurisdiction outside of Delaware, including an offense committed in another country.
- Criminals convicted of a sexual offense prior to the enactment of Delaware's sex offender registry statute on June 27, 1994. This includes offenders who have been serving prison time from pre-1994 convictions and are scheduled to be released.

"It doesn't matter when, where, or how a predator victimized a child, that offender has nowhere to hide in Delaware," stated Attorney General Biden.

Both pieces of legislation, House Substitute 1 for House Bill 421 and House Bill 485, were drafted by the Delaware Department of Justice and unanimously passed both houses of the General Assembly earlier this summer.

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